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Plaintiff Deno Milano

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Attorneys for Interstate Battery System of America, Inc., and

Interstate Battery System International, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

DENO MILANO, on behalf of himself and all
others similarly situated,

Plaintiff,

vs.

INTERSTATE BATTERY SYSTEM OF
AMERICA, INC.; INTERSTATE BATTERY
SYSTEM INTERNATIONAL, INC.,

Defendants.

Case No. CV 10-2125-CW

**STIPULATION RE EXTENSION OF TIME
TO FILE ANSWER OR RESPONSE TO
COMPLAINT
(CIVIL L.R. 6-1)**

1 Pursuant to Civil Local Rule 6-1 and 6-2, Plaintiff Deno Milano and Defendants Interstate
2 Battery System of America, Inc., and Interstate Battery System International, Inc. (collectively
3 "Interstate") by and through the undersigned attorneys hereby agree and stipulate as follows:

4 Whereas the Complaint in the above entitled action was filed in this Court on May 18, 2010, and
5 served on Interstate on May 19, 2010;

6
7 Whereas Interstate's answer or other response was originally due on June 9, 2010;

8 Whereas Plaintiff and Interstate entered into a stipulation and the Court entered an Order on June
9 1, 2010, extending Interstate's response date to July 9, 2010;

10 Whereas Plaintiff has stated his intent to file a First Amended Complaint, adding certain claims
11 and expanding the scope of the proposed class, Fed. R. Civ. P 15(a)(1);

12
13 Whereas Plaintiff and Interstate have agreed that Plaintiff will file a First Amended Complaint
14 on or before July 16, 2010, and that Interstate's answer or response will be due 30 days thereafter; and

15 Whereas this agreement does not affect any of the dates set in the Court's Order filed May 18,
16 2010, Setting Initial Case Management Conference and ADR Deadlines;

17
18 **IT IS HEREBY STIPULATED AND AGREED**, by and through the undersigned attorneys for
19 the parties, subject to the Court's approval, that:

- 20 1. Interstate is not required to respond to the complaint currently on file;
- 21 2. Plaintiff may file a First Amended Complaint on or before July 16, 2010;
- 22 3. Interstate must file an answer or response to the anticipated First Amended Complaint no
23 later than 30 days after the filing of the First Amended Complaint.

24
25 **IT IS SO STIPULATED**

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27

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1 DATED: July 9, 2010

GIRARD GIBBS LLP

2
3 By: Philip Obbard
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Attorneys for Individual and Representative
Plaintiff Deno Milano

10
11 DATED: July 9, 2010

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18 Attorneys for Interstate Battery System of America, Inc.,
19 and Interstate Battery System International, Inc.

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21
22 PURSUANT TO STIPULATION, IT IS SO ORDERED

23
24
25 Date 7/12/2010

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Claudia Wilken
Judge Claudia Wilken